



Montoya, Darlene <dmontoya@nmag.gov>

Fwd: Follow Up Request for Policies and Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

3 messages

Sandsness, Greg J <Greg.Sandsness@bnsf.com>
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Thu, Jan 26, 2017 at 8:26 AM

Ms. Montoya – reference our reply to your original request for policies and procedures related to officer-involved shootings and other use-of-force incidents and your follow up request for copies of the documents undergoing revision. Attached is BNSF Railway Police *Policy & Procedures Guide* (PPG) Section 6: *Use of Force* and Section 7: *Firearms. Use of Force* was last revised January 1, 2013 and *Firearms* was last revised March 18, 2014. As stated in our original reply these rules will be revised and replaced as part of new BNSF Railway Police *Rules Manual* project. While new rules concerning these areas have been drafted they are not in a final, published stage and thus do not at this time govern our officers' behavior.

EXTERNAL EMAIL

May we please go ahead and get a copy of your current policies and procedures? I will include your email with the current policies so that the LEAB Subcommittee is aware of updated policies coming out sometime during the middle of this year.

Thank you.

On Sat, Jan 21, 2017 at 5:36 AM, Sandsness, Greg J <Greg.Sandsness@bnsf.com> wrote:

Ms. Montoya – in response to your letter of January 17, 2017 requesting policies and procedures related to officer-involved shootings and other use-of-force incidents. Our department is currently in the process of reviewing, revising and re-issuing all of our rules (policies). The current policies and procedures will be superseded with the implementation of the new *Rules Manual* which is anticipated the middle of this year. At your request we can provide the updated Rules after they are implemented.

To your other questions we discuss and review use of force related rules during the Annual Officer Training course and twice annually at firearms training/qualification sessions.

Thanks,

Greg

Greg J Sandsness

Chief

BNSF Railway Police

Ft Worth, TX

On Jan 17, 2017, at 5:25 PM, Montoya, Darlene <dmontoya@nmag.gov> wrote:

EXTERNAL EMAIL

Chief Sandsness:

Attached please find correspondence from the Law Enforcement Academy Board Subcommittee regarding the above-referenced matter. Please forward via email the requested information. If you have any questions or concerns, please do not hesitate to contact me at my direct line below.

Thank you and have a good day. Stay safe.

----- Forwarded message -----

From: <SFXerox@nmag.gov>

Date: Tue, Jan 17, 2017 at 3:23 PM

Subject: Scanned from a Xerox Multifunction Printer

To: "Montoya, Darlene" <dmontoya@nmag.gov>

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Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:(505)490-4854)

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—

Darlene Montoya, Administrator
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4 attachments



6 USE OF FORCE.pdf
82K



ATT00001.htm
1K



7 FIREARMS.pdf
165K



ATT00002.htm
2K

Montoya, Darlene <dmontoya@nmag.gov>
To: "Sandsness, Greg J" <Greg.Sandsness@bnsf.com>

Thu, Jan 26, 2017 at 8:47 AM

Thank you so much Chief Sandsness. Stay warm and stay safe.

[Quoted text hidden]

Sandsness, Greg J <Greg.Sandsness@bnsf.com>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Thu, Jan 26, 2017 at 8:48 AM

Very welcome.

Greg J Sandsness
Chief
BNSF Railway Police
Ft Worth, TX

[Quoted text hidden]

BNSF RAILWAY RESOURCE PROTECTION

6.0 USE OF FORCE

January 1, 2013

6.1 BNSF Railway police officers shall use only that force which is reasonable and in accordance with their training and applicable state and federal law, and which is necessary to effectively bring the incident under control, given the facts and circumstances known at the time of the incident.

6.2 BNSF Railway police officers must promptly notify their supervisor of all incidents, on or off duty, wherein pursuant to their official capacity, the officer uses a level of force above restraint.

6.3 BNSF Railway police officers will ensure that persons in their custody who have been injured or claim injury as a result of the use of force or other causes are medically screened by qualified medical personnel. In the event that custody of the injured party is relinquished to a public law enforcement agency, the BNSF Railway police officer shall request that such agency provide medical treatment. The BNSF Railway police officer will follow up with the agency to determine whether medical treatment was provided.

6.4 A BNSF Railway police officer may use non-deadly force when: the violator(s) possess the capacity and the opportunity to resist the officer or a third party, or to cause the officer or a third party serious bodily harm; the officer or third party has been placed in jeopardy of bodily harm; and where the police officer has exhausted all reasonable and available steps to control the violator(s).

6.5 A BNSF Railway police officer may use deadly force when: the officer reasonably believes that the violator(s) have the ability or apparent ability and the opportunity to kill the officer or a third party, or to cause the officer or a third party serious bodily harm; and the officer or third party has been placed in imminent danger of death or serious bodily harm; and where the police officer has exhausted all reasonable and available steps to control the violator(s).

6.6 All deadly force incidents will be thoroughly investigated by BNSF Railway Resource Protection and/or local law enforcement. During the pendency of such investigations, BNSF Railway police officers involved in a deadly force incident will be assigned restricted duties by the Chief of Police.

6.7 The BNSF Railway police officer will not discuss the incident with anyone except public law enforcement officers investigating the incident, the officer's private or company counsel, Employee Assistance Program counselor, selected health care provider, immediate family, clergy, or appropriate prosecuting attorney, the police

officer's supervisor, the appropriate Chief Special Agent, the Chief of Police, the Director of Training, and the AVP Resource Protection.

BNSF Railway police officers enjoy the same protections as any other person under the U. S. Constitution. For example, even though a BNSF Railway police officer may be interviewed by local police or subpoenaed to a local grand jury or court proceeding, he or she could not be constitutionally compelled to make self-incriminating statements to local authorities concerning the incident. Likewise, due process, the right to counsel, and protection against unreasonable searches and seizures are applicable to the same extent as with any citizen.

6.8 Chief Special Agents are responsible for the investigation of all reported use of force incidents. All associated documents will be forwarded via chain of command to the Chief of Police and AVP-Resource Protection.

BNSF RAILWAY RESOURCE PROTECTION

7.0 FIREARMS

March 18, 2014

7.1 All Resource Protection employees who are commissioned peace officers, or have been authorized in writing by the AVP Resource Protection, are required to carry firearms on their person while on duty (hereafter called “BNSF Railway police officers”). BNSF Railway police officers will comply with all applicable policies, safety rules, and all local, county, state, and federal laws concerning the use and possession of firearms in effect where the member is assigned, employed or working. Exceptions to 7.1 may be approved by the AVP Resource Protection.

7.2 Only authorized firearms are to be carried on duty and/or while conducting company business (Appendix C).

7.3 BNSF Railway police officers will ensure that all firearms are stored in a safe condition and secured in a locked location inaccessible to unauthorized personnel.

7.4 Modifications to any duty firearm are not permitted without authorization of the Director of Training or the Chief of Police.

7.5 All BNSF Railway police officers will successfully complete the BNSF Railway Police firearms training requirements (see Appendix B).

7.6 Only the ammunition issued by BNSF Railway Police is authorized for training, qualification, and duty use.

7.7 Any BNSF Railway police officer who does not achieve a passing score with his or her authorized duty handgun, will be required to attend remedial firearms qualification. The certified firearms instructor will immediately notify the officer's supervisor, the respective Chief Special Agent and the Director of Training of all remedial instruction.

The BNSF Railway police officer will be given one opportunity to re-qualify within twenty-four (24) hours of the failure to qualify. Any exceptions must be approved by the Chief of Police. If the police officer fails to re-qualify, the firearms instructor will immediately notify the police officer's supervisor, the Chief of Police, and the Director of Training. The employee will be removed from service pending Resource Protection AVP review.

7.8 BNSF Railway police officers may draw their firearms without being confronted with existing deadly force if dictated by circumstances at the time.

7.9 BNSF Railway police officers will not brandish or unnecessarily display their firearms in an unprofessional manner.

7.10 Duty firearms will be inspected by a certified firearms instructor and determined to be in safe working condition (1) at the time of qualification; (2) whenever a police officer changes weapons or re-qualifies; and (3) any other time inspection is deemed necessary.

7.11 Any authorized firearm found to be inoperable or unsafe, shall be disqualified and removed from service until repaired and made safe by an authorized gunsmith. The weapon shall be placed back in service as an authorized firearm only after (1) receipt of a report, in writing, from the gunsmith documenting the repairs and safe condition of the weapon and (2) a re-inspection and test firing by a BNSF Railway Police certified firearms instructor.

7.12 BNSF Railway police officers shall be limited to no more than three authorized handguns, all of which shall be registered with BNSF Railway Police by make, model, caliber, serial number, and barrel length. Team members electing to carry three authorized handguns at one time must receive written authority from the Chief of Police.

7.13 A BNSF Railway police officer who wishes to change an authorized firearm must give ample notice to his or her supervisor in order that a training and qualification session can be scheduled, prior to carrying the firearm on duty.

7.14 A BNSF Railway police officer must immediately report the loss, sale, transfer or theft of an authorized duty firearm to his or her Chief Special Agent.

7.15 All firearms, leather accessories, ammunition, magazines, protective vests, and other equipment shall be maintained in a clean, safe and functional condition at all times. Uniformed officers will use only Level II or higher security holsters. Thigh holsters (also called tactical holsters and drop leg holsters) are not approved for on duty use. Firearms and equipment will be inspected by a certified firearms instructor prior to firing the weapon at a practice session or firearms qualification.

7.16 Handguns and equipment (holster, magazines, etc.) shall be worn in a concealed manner at all times when working in plain clothes, except when authorized by a supervisor. Shotguns and rifles shall be carried in a discrete manner except when tactically deployed.

7.17 BNSF Railway Police policy authorizes but does not require the wearing of or carrying of firearms off-duty by team members. Police officers wearing off-duty weapons will be governed by the laws of the state and the ordinances of the county and city where the weapon is worn.

7.18 BNSF Railway police officers will be governed by the Use of Force policy and will not fire warning shots or discharge a firearm at or from moving vehicles. BNSF Railway police officers will shoot animals only in self-defense or in the defense of others or for humane reasons when necessary, appropriate and safe to do so.

7.19 All discharges of firearms on-duty, except during approved training and/or qualification, shall immediately be reported to the police officer's supervisor, the appropriate Chief Special Agent, the Chief of Police, the Director of Training and the AVP Resource Protection. A Use of

Force Report shall also be prepared and submitted.

7.20 Company-owned 12-gauge Remington Model 870 shotguns are the only shotguns authorized to be carried. All authorized shotguns will have suitable slings and swivels attached except on folding stocks.

7.21 Shotguns will be carried on duty loaded as follows: magazine tube loaded to capacity, no round in the chamber, action closed and safety on, and placed or carried loaded in the vehicle shot gun carrier or immediately accessible in the front seat. Rifles will be loaded with one magazine (28 rounds in a 30 round magazine), no round in the chamber, action closed, safety on, and placed or carried in the vehicle rifle carrier or immediately accessible in the front seat.

7.22 When the shotgun and rifle are placed into service they will be safely and discreetly loaded (using a clearing barrel, if available) before proceeding on duty or to an assignment (see Appendix B).

7.23 When the shotgun and rifle are taken out of service they will be safely and discreetly unloaded (using a clearing barrel, if available).

7.24 Shotguns and rifles will be inspected by a certified firearms instructor prior to being fired at training and qualification. All BNSF Railway police officers will inspect their shotguns and rifles before loading them for duty use.

7.25 BNSF Railway police officers wishing to purchase and use an approved rifle must submit a Rifle Authorization Request to the Training and Development staff for approval (see Appendix E). The rifle must be on the approved list before consideration is given for approval (see Appendix C)

7.26 The BNSF Railway police officer must successfully complete the BNSF Railway Police Rifle Training Course with a qualifying score (100%) prior to carrying the rifle on duty.

7.27 The rifle will be deployed only when circumstances dictate the necessity.

7.28 BNSF Railway police officers will provide the same security of the rifle as required of the handgun and shotgun.

7.29 BNSF Railway police officers who have a handgun with an accessory rail for an optional flashlight attachment may purchase and attach a Streamlight TLR-1 flashlight to the handgun. No other flashlights are approved to attach to handguns.

7.30 BNSF Railway police officers who choose to carry a flashlight attachment shall carry the weapon in a holster that accommodates the weapon-mounted flashlight. The holster will be furnished by BNSF.

7.31 The weapon-mounted flashlight will not be used as a primary flashlight. BNSF Railway police officers with weapon-mounted-flashlights must carry a primary flashlight on their

person when carrying a weapon-mounted flashlight.

- 7.32 BNSF Railway police officers must qualify on either a day or night handgun qualification course with the flashlight attached before carrying the handgun with a light attached on duty. Thereafter, officers will fire all daylight and night courses with the flashlight attached.
- 7.33 All weapon-mounted laser systems are prohibited.
- 7.34 The BNSF Railway police officer choosing to purchase and carry an approved 1911 style handgun on duty must successfully complete the BNSF Railway Police 1911 Handgun Transition Course, pass all required courses of fire and pass a required written test prior to submitting an approval request form. The 1911 handgun submitted for approval must meet minimum requirements set for by BNSF Railway Police. (See Appendix C)
- 7.35 The BNSF Railway police officer choosing to carry an approved 1911 style handgun must submit a BNSF Railway Police 1911 Authorization Form request to the Training Team for approval. (See Appendix G)
- 7.36 The BNSF Railway police officer authorized to carry a 1911 style handgun on duty must maintain the established minimum qualification score for this type of handgun during all BNSF Railway Police handgun qualifications.
- 7.37 The BNSF Railway police officer choosing to make modifications to a personally owned 1911 handgun carried on duty must submit a 1911 Modification Form (Appendix F) for approval prior to completing the modification.

Definitions

Firearms instructor - For the purpose of this policy and the firearms training program, a "certified firearms instructor" is a BNSF Railway police officer who is certified through a recognized firearms instructor's program, and officially designated by the AVP Resource Protection.

Appendix A

The BNSF Railway Police safety principles, range safety rules, and host range rules shall be reviewed by the instructor and posted in a conspicuous manner at the range. All BNSF Railway police officers will observe and obey these safety rules and principles and the instructions of the firearms instructor at all times. Safety is the responsibility of all team members. Anyone who sees an unsafe condition, act or procedure is to immediately bring this situation to the attention of the firearms instructor.

BNSF Railway Police Safety Principles:

- Treat any firearm as though it were loaded;
- Never point a firearm at anything or anyone without being aware that you might have to fire;
- Be sure of your target or do not fire;
- Do not fire if you are not sure that the area behind your target is clear of bystanders;
- Control the muzzle of all firearms you are handling; and
- Do not place total trust in safety mechanisms on firearms.

BNSF Railway Police Range Safety Rules:

- No firing is allowed on the range unless a certified firearms instructor is present.
- Only authorized firearms and ammunition shall be used.
- All range commands must be obeyed.
- No one is to go forward of a firing line unless all weapons are empty and safe and the command has been given to go forward. In the case of a "hot line" no one is to go forward until all weapons are holstered and the command has been given to go forward.
- Eye and ear protection will be used on the firing range by all participants and observers.
- Alcohol or drugs are not permitted on the range.
- Dry firing is allowed on the firing line only.
- Handguns must remain in the holster unless the BNSF Railway police officer is on the

firing line. When a firearm is drawn, it must be pointed down range. If a handgun is carried on the range uncovered, the cylinder must be open and/or the slide locked back and magazine out; the weapon must be held shoulder height with the muzzle up.

- When long guns are carried on the range, the action must be open, safety on and barrel pointing down unless in conflict with local range rules. If local range rules require the muzzle up then the muzzle shall be kept higher than the head of the tallest person on the range.
- After a malfunction, check the firearm for obstruction and working condition. Never attempt to clear an obstruction by re-firing the weapon. If the malfunction cannot be cleared by the shooter, notify the firearms instructor by raising the non-gun hand during daylight; at night, the shooter will call out "malfunction - lane number #" loud enough for the instructor to hear.
- Firearms shall be cleaned in the designated cleaning areas only. No ammunition shall be present in the cleaning areas.
- Range backstops should be inspected by the certified firearms instructor for rocks, lead buildup, a safety hazard or any condition that may cause a ricochet.
- No firearms shall be carried loaded on the firing range, except on the firing line, and only after the command to load has been given. A safe "unloading" and "reloading" area shall be provided.
- A first aid kit shall be kept at the range during qualification.

Appendix B

FIREARMS QUALIFICATION

There will be a safety briefing and review of this firearms policy, safety principles, BNSF Railway Police, and host range firearms safety rules prior to all qualification and training sessions (Appendix A).

Qualification sessions - There shall be two training and qualification sessions and one makeup session per year (following the second qualification). Qualification and training courses shall consist of a daylight handgun course of fire for a passing score, daylight rifle qualification course of fire for a passing score and a shotgun course of fire based on score of Pass/Fail.

All state required courses will be fired based on state mandates.

Night qualification - There will be a minimum of one night course of fire with the handgun, one night rifle qualification and one night shotgun course of fire (Pass/Fail) scheduled in conjunction with one of the qualification and training sessions, and if needed, at the makeup session.

A back-up course of fire for score will be conducted on an annual basis.

The qualification and training scores are to be entered in the firearms record database and a copy sent to the Resource Protection records administrator. The firearms instructor is required to maintain a hard copy or computer record of all firearms qualification records, tests, handouts and/or other documentation given to team members at the time of the qualification and training session to be retained in accordance with BNSF's Records Retention Policy.

Appendix C

RESOURCE PROTECTION APPROVED FIREARMS

Only authorized firearms will be carried by police officers while on duty. The primary duty weapon must be 9mm or larger with a capacity of at least six rounds. Officers who are assigned administrative duties as their primary responsibility, are authorized a .380 caliber weapon as their primary duty firearm. The secondary weapon or "back-up" weapon must be .380 caliber or larger. No "single action-only" handguns will be authorized as duty weapons except for specific 1911 style handguns as noted in this attachment. All semiautomatic pistols must have a "firing pin safety/block."

HANDGUNS

- 1 AMT
- 2 BERETTA
- 3 BROWNING
- 4 COLT
- 5 D&L SPORTS, INC.
- 6 DIAMONDBACK
- 7 GLOCK
- 8 HECKLER & KOCH
- 9 KAHR
- 10 KEL-TECH
- 11 KIMBER
- 12 PARA ORDINANCE
- 13 REMINGTON
- 14 RUGER
- 15 SIG SAUER
- 16 SMITH & WESSON
- 17 SPRINGFIELD
- 18 TAURUS (only models with Firing Pin Block, since 10/93)
- 19 WALTHER

APPROVED 1911 MODELS

Approved 1911 models must be in .45 ACP.

Barrel lengths of 4 or 5 inches only.

Full size grip. No compact models approved.

Enlarged ejection port required.

Firearms must be approved by the firearms instructor before qualification and duty use.

COLT

Series 80 full size and combat commander models approved. No Series 70 models are allowed.

D&L SPORTS, INC.

All models with a firing pin block are approved.

KIMBER

Custom II and Pro II models approved. (All must have a firing pin block.)

Custom II includes TLE and Warrior models.

Pro II includes TLE and Carry models.

Tactical II includes Custom, Entry and Pro models.

Eclipse II includes Custom and Pro models.

CDP II includes Custom and Pro models.

Raptor II

Gold Combat II

REMINGTON

R-1 Carry and R-1 Enhanced are approved.

PARA ORDINANCE

Only full size and commander models with single stack magazines are approved. No double stack magazines are allowed.

Expert (including Stainless and Commander)

Elite (including Stainless, Target, Pro, Pro Stainless, and Commander)

Black Ops

SIG SAUER

All models with a firing pin safety block are approved. They must have a full size grip and 4-5 inch barrel. No compact models are approved.

SMITH & WESSON

SW1911 models with a firing pin safety plunger are approved. No 'SW1911 E' series models are approved since they do not have a firing pin safety plunger.

RIFLES

BNSF Railway Police owned High Standard HSA-15 CAL 5.56 NATO are authorized for duty.

All police officer personally owned rifles must be approved by the Director of Training (Appendix E). All rifles must be single-fire semiautomatic models; no fully automatic or 3-round burst weapons with fire-selector levers are authorized. Approved rifles will be AR-15 style CAL 5.56 NATO.

Authorized Rifle Optics.

Only authorized police style rifle optical sights will be carried by police officers while on duty. The rifle optical sight must be securely installed on an approved AR-15 style .CAL. 5.56 NATO rifle with immediate accessibility to back-up iron sight. Only 1x power, high quality illuminated reticle, reflex (red dot) or holographic type sighting systems will be authorized. At no time

should the optical sight interfere with the smooth operation and function of the rifle. No lasers or light projecting optical sights are authorized.

Authorized rifle modifications.

Other than the addition of optical sights no modifications will be made to any BNSF Railway Police rifle.

BNSF Railway police officers choosing to make modifications to personally owned AR-15 style CAL 5.56 NATO type rifles must submit an AR-15 Rifle Modification Form. (Appendix I) Officers must list all modification done to the weapon, why modifications were made and who made the modification to the weapon. If modification was done by a certified gunsmith the officer must attach a copy of the work order to the modification form.

Optical sights – Provided following guidelines are adhered to;

- a. 1x power only
- b. weapon has immediate accessibility to iron sights

Sling – (highly recommended)

Free float barrel tubes

Rubber accu-wedges

SHOTGUNS

Only BNSF Railway Police owned 12-gauge Remington pump-action Model 870's are authorized for duty.

Appendix D

Loading a shotgun

Loading of the empty shotgun is performed in the following steps: with the safety on, action open and the muzzle pointed in a safe direction (use loading barrels if available), double-check the chamber and magazine to ensure that the shotgun is unloaded. Close the action on an empty chamber by sliding the forearm fully forward. Leaving the safety on, fully load the magazine in the proper manner. The shotgun is now ready to be placed into the vehicle carrier (safety on, action closed on an empty chamber, magazine fully loaded). This is the responsibility of each authorized police officer. In the event the police officer has the shotgun readily accessible in the front seat of the vehicle and has to depart the vehicle, it is imperative the vehicle be locked and the shotgun be covered with clothing, newspapers, etc., so as not to make it readily visible.

Loading a rifle

Loading of the empty rifle is performed in the following steps:

1. Start with the rifle muzzle pointed in a safe direction, bolt closed on an empty chamber, dust cover closed and the safety on. When available a plastic dust cap should be placed over the end of the barrel.
2. Insert a 30 round metal magazine loaded with 28 rounds. Loading magazines to less than capacity creates less stress on the magazine feeder lips and on the spring.
3. A spare 30 round plastic magazine with 28 rounds should be carried with the rifle. The plastic dust cap should be carried snapped on the magazine. The dust cap will push the rounds away from the feeder lips and help keep dust out of the magazine.

Appendix E
Rifle Authorization Request

I am requesting authorization to carry the following personally owned semi-auto rifle in the performance of my duties with BNSF Railway Police.

Name: _____ Badge Number: _____
Work Address: _____
Title: _____
Phone: _____
Make: _____
Model: _____
(Exact name and number designated by the manufacturer)
Serial Number: _____
Barrel Length: _____ (Must be 16 inches or longer)
Rate of twist of barrel: _____
Stock: _____ (Fixed or collapsible)
Type sling: _____
Type of optics: _____
If equipped with optics, can Iron sights be used quickly if necessary? (yes or no)

Additions/Modifications _____

_____.

Are all modifications/additions covered by policy? (yes or no)

I have read and understand the BNSF Rifle Policy and understand I will be required to have my rifle inspected and qualify annually. The rifle must be CAL 5.56 NATO with 20 or 30 round magazine, sling and no unauthorized modifications. I understand, prior to authorization to carry the weapon on duty, it must be authorized by the Training Team. The rifle must be inspected and approved by a Certified Firearms Instructor, and an approved securing device must be installed in the company vehicle. I must also successfully complete a BNSF Railway Police Rifle Training Course and qualify with a passing score.

I have read, understand, and will comply with the BNSF Firearms Policy, which includes, the use of rifles.

Employee Signature

Date

I have inspected the above rifle and find it in good operating condition with no unauthorized modifications or equipment.

Certified Firearms Instructor

Date

I authorize the above noted BNSF Railway police officer to carry the above rifle in the performance of his/her duties at BNSF Railway.

Training & Development

Date

Appendix F

SHOOTING INCIDENT PROCEDURES & GUIDELINES

I. Administer care or first aid to BNSF Railway police personnel and all injured parties. Request professional medical assistance if necessary.

II. Call the nearest supervisor and have them call the Resource Operations Call Center (ROCC) which will immediately notify:

- A. Local authorities
- B. Chief Special Agent
- C. Chief of Police
- D. AVP Resource Protection
- E. Director of Training
- F. Director of Homeland Security
- G. General Claims
- H. Corporate Communications

III. Secure the crime or shooting scene, protect any evidence and establish a perimeter, if necessary.

IV. Involve or designate a BNSF Railway police officer not directly involved in the shooting incident to coordinate with responding local authorities. This should be an experienced police officer selected by the Chief of Police. One of the primary purposes of this coordination is to facilitate an appropriate, timely internal response by BNSF. The handling of shooting investigations or inquiries by local police will vary greatly. Support of the police officer(s) involved and cooperation with the local inquiry must be handled carefully and professionally, and coordinated BNSF's Corporate Communications Department and other BNSF groups as appropriate.

BNSF Railway police officers should be aware that local law enforcement agencies have investigative responsibility for shooting incidents occurring within their territorial jurisdiction. That responsibility does not diminish simply because one of the participants in a shooting incident is a law enforcement officer. Accordingly, a BNSF Railway police officer involved in a shooting incident should anticipate an investigation by local authorities. A BNSF Railway police officer enjoys the same protections as any other person under the U.S. Constitution. For example, even though a BNSF Railway police officer may be interviewed by local police or subpoenaed to a local grand jury or court proceeding, he or she could not be constitutionally compelled to make

self-incriminating statements to local authorities concerning the incident. Likewise, due process, the right to counsel and protection against unreasonable searches and seizures are applicable to the same extent as with any citizen.

V. Once adequate BNSF Railway police officers have arrived at the shooting scene, remove BNSF Railway police officers directly involved from the scene. Avoid having involved police officer(s) conduct any investigation and-or interviews relevant to the shooting.

VI. Every effort should be made to ensure that any statements made by the BNSF Railway police officer involved are given after the BNSF Railway police officer has been afforded a reasonable time to regain composure and is capable of understanding his or her rights.

VII. Assign a BNSF Railway police officer to assist directly involved personnel in contacting immediate family and filling out the Shooting Incident / Injury Report (SIIR). Ensure that the BNSF Railway police officer's family is personally briefed as soon as practical, by the BNSF Railway police officer himself or herself, if circumstances permit.

VIII. If the BNSF Railway police officer is injured, assign an informed supervisor or close friend of the BNSF Railway police officer involved to personally contact the BNSF Railway police officer's family and provide transportation to the treatment facility.

If the BNSF Railway police officer is hospitalized due to injury, consider an interview of the BNSF Railway police officer involved by someone sensitized or trained in the area of post-critical incident trauma. Ensure security and privacy of the injured police officer. Screen all phone calls for the injured BNSF Railway police officer as appropriate.

IX. In the event there is media inquiry or media at the scene, do not release the BNSF Railway police officer's name. Ensure this is understood by all local authorities at the scene. Media inquiries should be handled by Corporate Communications representative(s).

X. The Chief Special Agent should offer a post-shooting trauma evaluation session for the involved BNSF Railway police officer with a professional police psychiatrist or psychologist.

XI. The AVP of Resource Protection will review any investigative reports and take remedial action as appropriate.

Appendix G

1911 Authorization Request

I am requesting authorization to carry the following personally owned 1911 handgun in the performance of my duties with BNSF Railway Police Department.

Name _____ Badge Number _____
 Title _____ Phone _____
 Work Address _____
 City _____ State _____ Zip _____
 Make _____ Caliber: 45 ACP Only
 Model _____
 (Exact name and number designated by manufacturer)
 Serial Number _____
 Barrel Length _____ (Barrel lengths of 4 or 5 inches only)

Additions/Modifications YES / NO (if YES; 1911 Modification Form required; Appendix H)

I have read, understand, and will comply with the BNSF Railway Police Firearms Policy. I understand I will be required to have my handgun inspected at any time. I understand that prior to initial authorization; my 1911 handgun will require inspection and approval by a certified BNSF Railway Police 1911 Firearms Instructor. I understand I will be required to qualify with 90% or better on all BNSF handgun qualifications. I understand my 1911 handgun must be a 45 ACP, have a barrel length of 4 or 5 inches with a full sized grip to accept a 7 or 8 round magazine, have an enlarged ejection port, and contain a series 80 or similar type firing pin block. I understand prior to authorization, I must successfully complete a BNSF Railway Police 1911 Transition Training Course and qualify with a passing score. I understand, prior to carrying the weapon on duty, it must be authorized by the Training Team.

I have read, understand, and will comply with the BNSF Firearms Policy.

Employee Signature

Date

I have inspected the above 1911 handgun and find it in good operation condition, contains no unauthorized modifications, and meeting BNSF Railway Police 1911 Standards.

Certified 1911 Firearms Instructor

Date

Original form will be sent to the BNSF Railway Police HQ Training staff, Fort Worth, TX.

Appendix H
1911 Modification Form

Name _____ Badge Number _____
Title _____ Phone _____
Work Address _____
City _____ State _____ Zip _____
Make _____ Caliber: 45 ACP Only
Model _____

(Exact name and number designated by manufacturer)

Serial Number _____
Barrel Length _____ (Barrel lengths of 4 or 5 inches only)

Additions/Modifications

Why Were Modifications Made

Who Made Modifications (if done by gunsmith attach paperwork showing modifications performed)

Are All Modifications/Additions Covered by Policy? YES / NO (If NO, Explain)

I have read, understand, and will comply with the BNSF Railway Police Firearms Policy.

Employee Signature

Date

I have inspected the above 1911 handgun and find it in good operation condition, contains no unauthorized modifications, and meeting BNSF Railway Police 1911 Standards.

Certified 1911 Firearms Instructor

Date

I authorize (employee name herein) to carry the above 1911 handgun in the performance of his or her duties at BNSF.

Training and Development

Date

Appendix I

Rifle Modification Form for personally owned rifles.

Name _____ Badge Number _____
Title _____ Phone _____
Work Address _____
City _____ State _____ Zip _____
Make _____ Caliber: 5.56 NATO
Model _____
(Exact name and number designated by manufacturer)
Serial Number _____
Barrel Length _____

Additions/Modifications

Why Were Modifications Made

Who Made Modifications (if done by gunsmith attach paperwork showing modifications performed)

Are All Modifications/Additions Covered by Policy? YES / NO (If NO, Explain)

I have read, understand, and will comply with the BNSF Railway Police Firearms Policy.

Employee Signature

Date

I have inspected the above rifle and find it in good operation condition, contains no unauthorized modifications, and meeting BNSF Railway Police Standards.

Firearms Instructor

Date

I authorize (employee name herein) to carry the above rifle in the performance of his or her duties at BNSF.

Training and Development

Date